

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 07-00087-CR-W-NKL
	)	
ISLAMIC AMERICAN RELIEF	)	
AGENCY, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Pending before the Court is a Joint Motion for Pretrial Hearing to Determine Admissibility of Co-Conspirator Statements filed by Defendants Mubarak Hamed, Ali Mohamed Bagegni, Ahmad Mustafa, Abdel Azim Elsiddig, and Mark Siljander [Doc. # 192]. In their motion, Defendants request that the Court 1) direct the Government to identify, pretrial, all co-conspirator statements the Government intends to offer at trial, and 2) conduct a pretrial hearing in which the Court determines the admissibility of any such statements.

It is not practical to have a pretrial hearing on all co-conspirator statements. However, the Defendants will be given an opportunity before trial to argue that the evidence does not show a conspiracy. They will also be permitted to identify specific co-conspirator statements that should not be admitted and explain why a hearing as to those statements should be conducted before trial. As to co-conspirator statements not specifically identified by the Defendants pretrial, the Court will follow the procedures contained in *United States v. Bell*,

283 F.2d 1040 (8<sup>th</sup> Cir. 1978). As to co-conspirator statements identified by the Defendants pretrial, the Court will determine the proper procedure after Defendants have identified the statements they wish to exclude.

Accordingly, it is hereby ORDERED that Defendants' Joint Motion for Pretrial Hearing to Determine Admissibility of Co-Conspirator Statements [Doc. # 192] is DENIED without prejudice.

s/ Nanette K. Laughrey  
NANETTE K. LAUGHREY  
United States District Judge

Dated: September 21, 2009  
Jefferson City, Missouri